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AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA )

v. )

Case No. 13-MJ-450 (JLG)

HECTOR RIOS-GUZMAN, a/k/a Hector Rios, )

## CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about May 15, 2013, in Hennepin County, in the State and District of Minnesota, defendant(s)

an alien and citizen and national of Mexico, was found to be unlawfully present in the United States after having been previously removed, without the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, or any other designated and authorized representative, to re-apply for admission to the United States, and the Defendant's removal was subsequent to a conviction of an aggravated felony

in violation of Title 8 U.S.C. §§ 1326(a)(1) and 1326(b)(2); and Title 6 U.S.C. §§ 202, 557.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Complainant's signature

BARBARA KENNEDY, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

7/1/13



Judge's signature

City and state: St. Paul, MN

The Honorable Jeanne J. Graham

Printed name and title

SCANNED

JUL 01 2013

U.S. DISTRICT COURT ST. PAUL

13-MJ-450(JJG)

STATE OF MINNESOTA)  
)  
COUNTY OF HENNEPIN)

ss. AFFIDAVIT OF BARBARA KENNEDY

1. Your affiant has been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since February 6, 2006; she began her career as an Immigration Enforcement Agent. On June 22, 2008, affiant was promoted to Deportation Officer.

As a Deportation Officer, affiant is charged with the responsibility of overseeing the cases of aliens in removal proceedings. Duties include the review of alien files for legal sufficiency, the detention and release of aliens in ICE custody, monitoring of the courts' removal proceedings, and the enforcement of the courts' decision including removal from the United States.

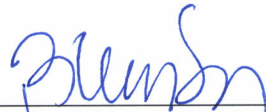
2. This affidavit is based upon affiant's training, experience, personal knowledge; upon discussions with other law enforcement officers and agents directly involved in this investigation; and upon review of official reports and documents related to this investigation.
3. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this affidavit, your affiant believes that probable cause exists to believe that, on or about May 15, 2013, in Hennepin County, in the District of Minnesota, Hector RIOS-Guzman, a citizen and national of Mexico, was found to be unlawfully present in the United States after having been previously removed, without the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, or any other designated and authorized representative, to re-apply for admission to the United States, and the Defendant's removal was subsequent to a conviction of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a)(1) and 1326(b)(2), and Title 6, United States Code, Sections 202 and 557.
4. On May 15, 2013, Defendant was encountered by the St Paul ICE Fugitive Operations Team in Bloomington, MN. Deportation Officer (DO) Martin Arredondo and DO John Mock conducted a traffic stop on a vehicle in which the Defendant was traveling. DO Arredondo and DO Mock determined the Defendant to be unlawfully present in the United States without proper immigration documents which would allow the Defendant to be in, pass through, or remain in the United States. Defendant then fled the scene on foot and DO Arredondo and DO Mock pursued the Defendant, who was then placed under arrest and was transported to the ICE St Paul Field Office for administrative processing.

5. At the ICE facility, the Defendant was advised of his Miranda Rights by DO Arredondo and Defendant waived his Miranda Rights. Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked Defendant's fingerprints to alien registration number A097652062, Federal Bureau of Investigations (FBI) number 586713EC5, and DHS Fingerprint Identification number (FIN) 15905894, revealing Defendant's previous immigration and criminal history.
6. Based on IAFIS and IDENT verification of Defendant's prior history, your affiant reviewed Defendant's unique immigration alien file (hereinafter "A-file") A097652062. Defendant's A-file contains photographs, fingerprints and immigration documents identifying Defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico prior to being found in the District of Minnesota in 2013.
7. The Defendant's A-file contains immigration records that confirm he has been previously arrested by ICE and removed from the United States on four prior occasions: May 5, 2004, through the Laredo, TX port of entry; September 24, 2004, through the Nogales, AZ port of entry; September 5, 2007, through the Laredo, TX port of entry and September 12, 2012, through the Laredo, TX port of entry.
8. On May 13, 2004, Defendant was convicted of Terroristic Threats, in violation of Minnesota Statute 609.713, Subdivision 1, in the Hennepin County District Court at Minneapolis, MN. Defendant was sentenced to 1 year and 1 day imprisonment. Imposition of the sentence was stayed for three years.
9. On August 6, 2004, Defendant was convicted of Unlawful Entry, in violation of Title 8, United States Code, Section 1325, in the United States District Court, District of Arizona. Defendant was sentenced to 55 days imprisonment.
10. On November 7, 2006, Defendant was convicted of Unlawful Re-entry, in violation of Title 8, United States Code, Section 1326(a) and (b)(2), in the United States District Court, District of Minnesota. Defendant was sentenced to 21 months imprisonment.
11. On August 27, 2012, Defendant was convicted of Domestic Assault, in violation of Minnesota Statute 069.2242, Subdivision 2, in the Dakota County District Court at Hastings, MN. Defendant was sentenced to 365 days imprisonment.
12. Further review of the Defendant's A-file, and immigration computer records, reveals that subsequent to the Defendant's removal on September 12, 2012, the

Defendant has not applied for, nor received, permission to enter the United States from the Attorney General or any other designated representative, as defined in the Immigration and Nationality Act (INA) Section 241(a)(5) codified under Title 8, United States Code, Section 1231(a)(5). Defendant is currently detained in ICE custody, classified as mandatory detention, per INA Section 241(a)(2), codified under Title 8, United States Code, Section 1231(a)(2).

13. Based on these facts, your affiant has reason to believe that Hector RIOS-Guzman is in violation of Title 8, United States Code, Sections 1326(a)(1) and 1326(b)(2), Unlawful Re-entry after removal, in that he was ordered removed, subsequently removed following the conviction of an aggravated felony, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security, or any other designated and authorized representative.

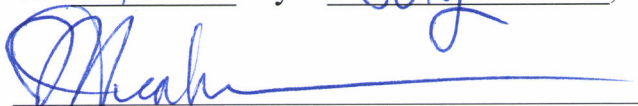
Further Your Affiant Sayeth Not.



Barbara Kennedy, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 1<sup>st</sup> Day of July, 2013.



Jeanne J. Graham  
United States Magistrate Judge